

**REMARKS****Introduction**

No claims have been amended. The application continues to include claims 1-20.

**The Claims Are Allowable Over the Prior Art**

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Plonsky et al., U.S. Pat. No. 5,049,857 ("Plonsky"), in view of Chieu et al., U.S. Pat. No. 5,777,561 ("Chieu"). Reconsideration of these rejections is respectfully requested because the cited prior art fails to disclose an electronic detection tag system in which an electromagnetic field in a detection zone between at least two generating antennas is varied.

One embodiment of the present invention is an electronic tag detection system in which at least two generators each have an antenna. The generators each generate an electromagnetic field in a detection zone between the antennas. One of the electromagnetic fields is varied when at least two electronic detectable tags are present in the detection zone.

Plonsky discloses an electronic article surveillance system in which a magnetic zone 3 is created between pedestals 6 and 7. Perturbations in the zone 3 created by the presence of markers 2 are detected by the system. See col. 5, ll. 33-41. Plonsky fails to disclose varying an electromagnetic field that forms magnetic zone 3 in order to detect more than one marker present in zone 3.

Chieu discloses a method of selecting groups of radio frequency ("RF") transponders. A base station 10 sends RF energy 21 and information to one or more tags 20. In response, radiation from the tags 20 is backscattered back to base station 10, and the polarization of the backscattered signal is used to group the tags. See col. 3, ll. 50-60. Chieu discloses that the RF energy may be in the form of a modulated signal, and that the modulation strength of the signal may be varied in order to increase or decrease the required returned signal strength from the tags to overcome the modulator signal. See col. 6, l. 39 – col. 7, l. 9.

Chieu fails to disclose the generation of an electromagnetic field between two antennas that is used to detect the presence of tags, or varying any field within a detection zone. The only varying of a signal disclosed in Chieu is the signal sent from base station 10 directly to the tags, not a varying of an actual electromagnetic field in a detection zone between two generators.

Further, there is no reason to combine the system disclosed in Plonsky with the system disclosed in Chieu because the disclosed systems function completely different. Plonsky relies on an electromagnetic field between two generator antennas, while Chieu relies on the transmission of an RF signal from a generator to a tag, and the subsequent backscattered signal received from the tag. No evidence has been provided in the Office Action for establishing a *prima facie* motivation for combining Plonsky with Chieu as required by MPEP §2143.01 and *In re Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002).

In contrast to Plonsky, Chieu and the other cited prior art, independent claims 1 and 17 recite "generating an electromagnetic field in a detection zone defined between

said antennas" and "varying an intensity of at least one of said electromagnetic fields"

For at least these reasons, claims 1 and 17 should be allowable.

The remaining claims each depend from one of the above independent claims, and therefore should also be allowable based at least on the foregoing reasons.

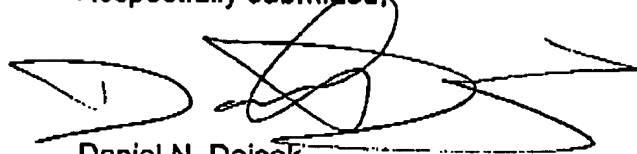
### **Conclusion**

Applicant respectfully requests favorable action in connection with this application.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Applicant respectfully submits that in light of the foregoing remarks, all of the presently pending claims are in condition for allowance. Entry of the present amendment and/or allowance of the presently pending claims are, therefore, respectfully requested. If the Examiner is in disagreement with the above, Applicant respectfully requests the benefit of a telephonic interview. If the privilege of an interview is granted, the undersigned may be contacted by telephone. Please charge Deposit Account No. 19-1346 for any required fee.

Respectfully submitted,

Date: 10/21/03

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<p align="center"><b>Certificate of Facsimile Transmission</b></p> <p>I hereby certify that this document and any document referenced herein has been transmitted via facsimile to the US Patent and Trademark Office, Examiner D. Previl, Group Art Unit 2636 at (703) 872-9314 on <u>10/21/03</u></p> <p align="center"><u>Karlee L. Lutwin</u> (Printed Name of Person Mailing Correspondence)</p> <p align="center"><u>Karlee Lutwin</u> (Signature)</p>
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